

Filed for intro on 02/02/95
House Bill _____
By _____

Senate No. SB0461
By Kyle

AN ACT to amend Tennessee Code Annotated, Section 24-5-113(b), relative to prima facie evidence of necessity and reasonableness of medical, hospital or doctor bills.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 24-5-113(b), is amended by deleting all of the current language in the subsection and replacing it with the following:

(b)(1) In addition to the procedure described in subsection (a) in any civil action for personal injury brought by an injured party (or his or her representative) against the person or persons alleged to be responsible for causing the injury, such injured person (or his or her representative) may file, more than ninety (90) days before trial, one (1) or more affidavits executed by any of the injured person's treating physicians addressing the issue of whether medical expenses claimed by the injured person were necessary and reasonable. Any defendant to the action who wishes to contest the content of any such affidavit may file, more than forty-five (45) days before trial, one (1) or more affidavits to the contrary executed by a physician licensed to practice in this state.

(2) The affidavits described in this subsection shall not be excluded by the Hearsay Rule set forth in Rule 802 of the Tennessee Rules of Evidence and therefore may be admitted into evidence during the trial of the cause provided that the content of each such affidavit is otherwise admissible under the Tennessee Rules of Evidence and provided that the content of each such affidavit is limited to: the identity of the affiant, including the affiant's name, office address, and current field of practice and a summary of the affiant's educational and professional background; a list of medical expenses incurred, identifying each health care provider, the date of each treatment and the charges for each treatment; the affiant's opinion as to whether the medical expenses listed were necessary and reasonable; and a brief statement of the affiant's basis for his or her opinion, including but not limited to the affiant's familiarity with the customary charges for similar treatments in the community where the subject treatments were rendered.

(3) It is the intent of the General Assembly that the provisions of this subsection be employed to save litigants time and unnecessary expenditures for medical depositions in instances where the central issue to be resolved by the medical proof is whether the medical expenses claimed by the injured person were necessary and reasonable.

(4) The provisions of this subsection shall apply to cases tried on or after October 1, 1995.

SECTION 2. This act shall take effect July 1, 1995, the public welfare requiring it.

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